

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 NAZARIO GONZALEZ FIGUEROA,

5 Petitioner,

6 v.

7 BRIAN KOEHN, *et al.*,

8 Respondents.
9

Case No. 2:18-cv-02258-KJD-GWF

**ORDER GRANTING MOTION FOR
LEAVE TO FILE BRIEF AS *AMICUS
CURIAE* (ECF NO. 13)**

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11 This action is a petition for a writ of habeas corpus, under 28 U.S.C. § 2241, by
12 Nazario Gonzalez Figueroa, who is detained at the Nevada Southern Detention Center.
13 See Petition for Writ of Habeas Corpus (ECF No. 1); First Amended Petition for Writ of
14 Habeas Corpus (ECF No. 4). The respondents have filed an answer (ECF No. 10),
15 Gonzalez Figueroa has filed a reply (ECF No. 12), and the respondents have filed a
16 response to the reply (ECF No. 14).

17 On March 2, 2019, the Thomas & Mack Legal Clinic, a clinic at the University of
18 Nevada, Las Vegas' William S. Boyd School of Law ("Clinic") filed a Motion for Leave to
19 File Brief as *Amicus Curiae* (ECF No. 13). Attached to the motion is the amicus brief the
20 Clinic wishes to file (ECF No. 13-1). No party to this action responded to the motion.

21 "The district court has broad discretion to appoint *amici curiae*." *Hoptowit v. Ray*,
22 682 F.2d 1237, 1260 (9th Cir. 1982), *overruled on other grounds by Sandin v. Conner*,
23 515 U.S. 472 (1995). The role of *amicus curiae*, generally, is "assisting in a case of
24 general public interest, supplementing the efforts of counsel, and drawing the court's
25 attention to law that escaped consideration." *Miller-Wohl Co. v. Comm'r of Labor & Indus.*
26 *State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982). Here, the Court determines that Clinic's
27 motion is timely; no undue delay will result if the amicus brief is considered. Furthermore,
28 there is no indication that any party will be unfairly prejudiced by consideration of the

1 amicus brief. And, the Court finds that the Clinic's amicus brief may be useful in resolving
2 this case, in that it provides legal analysis, and a wider perspective on the issues raised
3 in the case, that are not provided by any party. The Court will grant the Clinic leave to file
4 the amicus brief and will set a schedule for the parties to file any response.

5 **IT IS THEREFORE ORDERED** that the Motion for Leave to File Brief as *Amicus*
6 *Curiae* (ECF No. 13) is **GRANTED**. The Clerk of the Court is directed to separately file
7 the amicus brief (ECF No. 13-1).

8 **IT IS FURTHER ORDERED** that the parties to this action may file any response to
9 the amicus brief no later than **April 26, 2019**.

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11 DATED THIS 20 day of March, 2019.

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KENT J. DAWSON,
15 UNITED STATES DISTRICT JUDGE
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